

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

AMBER HICKS,

No. CV 04-825-AS

Plaintiff,

v.

OPINION AND ORDER

CITY OF PORTLAND, et al.,

Defendants.

MOSMAN, J.,

On September 13, 2006, Magistrate Judge Ashmanskas issued Findings and Recommendation ("F&R") (#52) in the above-captioned case recommending defendants' motion for summary judgment (#23) be GRANTED and plaintiff's cross motion for partial summary judgment (#32) be DENIED. Plaintiff filed timely objections on September 28, to which defendants responded on October 10.

The magistrate judge only makes recommendations to the district court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate

judge as to those portions of the F&R to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

Upon review of plaintiff's objections, I agree with Judge Ashmanskas's analysis and recommendation. Thus, I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 8th day of November, 2006.

/s/ Michael W. Mosman

MICHAEL W. MOSMAN
United States District Court